



**CALIFORNIA STATE PERSONNEL BOARD**

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ARNOLD SCHWARZENEGGER, Governor



**CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, Room 150  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 141  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California Suite 620

**SUMMARY MINUTES – JULY 25, 2006**

**SUMMARY MINUTES<sup>1</sup>**

**JULY 25, 2006**

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**1. ROLL CALL**

**William Elkins, President**  
**Sean Harrigan, Vice President**  
**Anne Sheehan, Member**  
**Patricia Clarey, Member**

**2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** Due to the record heat wave and need to conserve energy, the SPB has set its thermostat at 78 degrees and unnecessary lights have been turned off.
- B.** Rosario Marin, the State and Consumer Services Agency Secretary, is interested in having the SPB's staff presentation on the CEA program given to her monthly meeting with directors and deputy directors.
- C.** There was a recent article in the Bakersfield newspaper reporting the problems of Kern County in finding replacements for its many retirees.
- D.** In early July, the SPB's ALJs participated in a writing class conducted in Sacramento by the Judicial Training College. As a result, there will be a change in the format of ALJ proposed decisions which will conform to the format recommended by the College. The Board will soon see the change in proposed decisions.

**3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

- Met with Council of Counsels together with Pete Williams, SPB's Strategic Planning Consultant, to solicit topics for focus groups and interested participants.
- In communication with Department of Corrections and Rehabilitation regarding receiver's interest in civil service disciplinary process and peer review process for physicians.

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<sup>1</sup> The Minutes for the Board Meeting can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- At the request of the Sacramento County Bard Association, the Chief Counsel and Senior Staff Counsel, Dorothy Backskai Egel, are preparing an article for inclusion in a SCBA publication regarding the California Supreme Court decision invalidating seniority based hiring and promotions and private arbitration of civil service disciplinary actions.
- A hearing is currently being conducted before a Board ALJ regarding allegations that a Labor Commissioner has been retaliated against for having exercised his First Amendment rights. The case has received certain amount of press interest.

**4. NEW BUSINESS**

**NONE**

**5. REPORT ON LEGISLATION – Sherry Evans**

- AB 2241 will be heard in the Appropriations Committee on August 7, 2006.
- Recommendations to Legislature regarding AB 2420 to be discussed further.

**6. SPECIAL HEARING – California State Personnel Board Staff**

The Board met with three department representatives regarding progress and efforts made to comply with statutes pertaining to civil rights and equal employment opportunity.

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**7. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, AND OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing.  
[Government Code Sections 11126(d), 18653.]

**8. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]  
(See Action Taken on Pages 8–12)

**9. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial.  
[Government Code sections 11126(e)(1) and 18653.]

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

**10. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**11. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**12. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
AUGUST 8, 2006, IN LOS ANGELES, CALIFORNIA**

**NONE**

**BOARD ACTIONS:**

**13. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
JUNE 21, 2006**

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

**14. EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 8–14**

**15. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Minutes on Pages 21–22)**

**16. NON-EVIDENTIARY CASES**

**ACTION: See Case Listings on Pages 14–19**

**17. NON-HEARING CALENDAR**

The following proposals were made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

On July 25, 2006, the following proposals were presented to the Board by Karen Coffee, Chief, Merit Employment and Technical Resources Division, California State Personnel Board.

**ACTION: ADOPTED**

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- A. BOARD ITEMS PRESENTED BY STATE PERSONNEL BOARD OR DEPARTMENT OF PERSONNEL ADMINISTRATION TO ESTABLISH, REVISE OR ABOLISH CLASSIFICATIONS, ALTERNATE RANGE CRITERIA, ETC.**

**NONE**

- B. ABOLISHMENT OF CLASSES THAT HAVE HAD NO INCUMBENTS FOR MORE THAN TWO YEARS. DEPARTMENTS THAT UTILIZE THE CLASS AS WELL AS THE APPROPRIATE UNION HAVE NO OBJECTION TO THE ABOLISHMENT OF THESE CLASSES.**

**THE DEPARTMENT OF PERSONNEL ADMINISTRATION AND STATE PERSONNEL BOARD** propose to abolish the following unused classifications, which have been vacant for more than twenty-four months. Departments that utilize the class as well as the appropriate union have no objection to the abolishment of these classes. When classes are proposed to be abolished which are part of a class series, and other classes within the series will continue to be used, the class specification is included in the board item.

<b>Title</b>	<b>Class Code</b>
California Police Captain	8360
California Police Lieutenant	8356
California Police Officer	8464
California Police Sergeant	8359
Service Assistant (Equipment Parts Operation)	1553
Service Assistant –Engineering	3011
Lead Heavy Equipment Electrician	6815
Radiation Protection Specialist I	7988
Radiation Protection Specialist II	7991
Electrical Drafting Technician	3022
Fair Hearing Specialist, Office of Administrative Hearings	5980
Molding Press Operator	7435

<b>Title</b>	<b>Class Code</b>
Photocomposition Machine Operator	7253
Photocomposition	7261
Radiological Instrument Technician, Office of Emergency Services	8127
Biological Scientific Illustrator	3041
Printing Art Planner	7235
Agricultural Services Technician I	0055
Agricultural Services Technician II	0053
Food Technology Specialist	9007

**18. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

**LICENSED VOCATIONAL NURSE (SAFETY)**

The Office of the California Prison Healthcare Receiver proposes revisions to the Licensed Vocational Nurse (Safety) classification. The Receiver's revisions provide for use of the class within an institutional setting and do not impact current incumbents.

**ACTION: NOTED**

**19. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Minutes serves to inform interested individuals and departments of proposed and approved CEA position actions.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**PROJECT DIRECTOR, REAL ID PROJECT OFFICE**

The Department of Motor Vehicles proposes to allocate the above position to the CEA category. The Project Director, Real ID Project Office is responsible for the overall management of the department's REAL ID organization which includes all aspects of policy, program and project development, and program and project management to meet the Federal REAL ID Act requirement in California.

**DEPUTY DIRECTOR, CRIME AND VIOLENCE PREVENTION CENTER**

The Department of Justice proposes to allocate the above position to the CEA category. The Deputy Director, Crime and Violence Prevention Center, sets policy on behalf of the Attorney General and the Director that focuses on how the Department will implement and ensure that the resources of the CVPC's Statewide programs are available to the constituents and citizens of California.

**ACTION: NOTED**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO  
ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**NONE**

**20. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**21. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**22. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**23. BOARD ACTIONS ON SUBMITTED ITEMS**

**ACTION: See Minutes on Page 20**

**A D J O U R N M E N T**

**WHAT FOLLOWS IS A RECORD OF ACTION TAKEN ON AGENDA ITEMS 14 – 16 AS NOTED.**

**14. EVIDENTIARY CASES**

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

**A. BOARD CASES SUBMITTED**

These items have been taken under submission by the State Personnel Board at a prior meeting.

On July 25, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

**(1) ALEJANDRO GILL, CASE NO. 05-0054RA**

Appeal for dismissal

**Classification:** Correctional Officer

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected January 6, 2006.

Oral argument heard May 2, 2006, Los Angeles.

Case ready for decision by FULL Board

**ACTION:** The Board (Harrigan, Clarey, and Sheehan) issued a non-precedential decision revoking appellant's dismissal from the position of Correctional Officer with the Department of Corrections and Rehabilitation

**(2) PRECILLA CALAUNAN, CASE NO. 05-1737RPA**

Appeal from dismissal

**Classification:** Psychiatric Technician Assistant

**Department:** Department of Developmental Services

Petition for Rehearing granted March 8, 2006.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**



**(3) PAUL CHATHAM, CASE NO. 05-1287A  
SARAH WIRTH, CASE NO. 05-1599A**

Appeal from five percent reduction in salary for six months and two work days suspension

**Classification:** Correctional Lieutenant and Correctional Sergeant

**Department:** Department of Corrections and Rehabilitation

Proposed decision rejected May 2, 2006.

Oral argument heard July 11, 2006, Sacramento.

Case ready for decision by FULL Board.

**NO ACTION**

**(4) JUDY JOHNSON, CASE NO. 05-1367A**

Appeal from automatic resignation

**Classification:** Motor Vehicle Field Representative

**Department:** Department of Motor Vehicles

Proposed decision rejected February 21, 2006.

Oral argument (written record) submitted May 2, 2006,  
Los Angeles.

Case ready for decision by FULL Board.

**NO ACTION**

**B. CASES PENDING**

**ORAL ARGUMENTS**

**NONE**

**C. CHIEF COUNSEL RESOLUTIONS**

**COURT REMANDS**

**NONE**

**STIPULATIONS**

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On July 25, 2006, the Board took the following action on the cases listed as presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- (1) BAHIA ABDALLAH, CASE NO. 05-1583E**  
Appeal for discrimination complaints  
**Classification:** Office Assistant (Typing)  
**Department:** Office of Emergency Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the discrimination complaints.
- (2) JEFFREY BLAKLEY, CASE NOS. 05-0404E, 05-1163E & 05-1172E**  
Appeal for a request to file charges and whistleblower retaliation complaint  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the request to file charges and the whistleblower retaliation complaint.
- (3) JONATHAN COLE, CASE NO. 05-2945**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (4) SHELLEY GRAHAM, CASE NO. 05-2357E**  
Appeal for discrimination complaints  
**Classification:** Associate Information Systems Analyst  
**Department:** Office of Emergency Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the discrimination complaints.
- (5) DANIEL JAMARILLO, CASE NO. 05-3718**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

- (6) **ELIZABETH LEARY, CASE NO. 04-2358**  
Appeal from rejection during probationary period  
**Classification:** Psychiatric Social Worker  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the rejection and denying the appeal.
- (7) **MARK MITCHELL, CASE NO. 05-2818**  
Appeal from dismissal  
**Classification:** Senior Electronic Data Processing Acquisition Specialist (Technical)  
**Department:** Department of General Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (8) **MARK PALMER, CASE NO. 05-0641**  
Appeal from dismissal  
**Classification:** Senior Engineering Geologist  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (9) **NICOLE STANICH, CASE NO. 05-2361E**  
Appeal for discrimination complaints  
**Classification:** Staff service Analyst  
**Department:** Office of Emergency Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the discrimination complaints.
- (10) **FRANK STOAKS, CASE NO. 05-2163**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the dismissal.
- (11) **DONALD THOMAS TRIBBLE, CASE NO. 05-2359E**  
Appeal for discrimination complaints  
**Classification:** Dispatcher Clerk  
**Department:** Office of Emergency Services  
**ACTION:** The Board adopted the ALJ's Proposed Decision dismissing the discrimination complaints.

**PROPOSED DECISIONS TAKEN UNDER SUBMISSION AT PRIOR MEETING**

NONE

**PROPOSED DECISIONS AFTER BOARD REMAND**

- (12) **AARON FOUCH, CASE NO. 05-2526PR**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

NONE

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

- (1) **VERL BROWN, CASE NO. 06-0319P**  
Appeal from whistleblower retaliation complaint  
**Classification:** Investigator  
**Department:** Contractors State License Board  
**ACTION:** Appellant's petition for rehearing denied.

**WHISTLEBLOWER NOTICE OF FINDINGS**

NONE

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

- (1) **DANNY BROWN, CASE NO. 05-2209A**  
Appeal from dismissal  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected April 4, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles  
**NO ACTION**

- (2) **JACK FRIEDMAN, M.D., CASE NO. 05-2596A**  
**JOHN S. COLOCOUSIS, M.D., CASE NO. 05-2592A**  
Appeal from formal reprimand and formal reprimand and five work days suspension  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 6, 2006.  
Pending transcript.  
**NO ACTION**
- (3) **GAIL GARCIA, CASE NO. 05-3030A**  
Appeal from constructive demotion  
**Classification:** Office Technician  
**Department:** Department of Developmental Services  
  
Proposed decision rejected May 2, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles.  
**NO ACTION**
- (4) **RAYMOND GURULE, CASE NO. 05-1351A**  
Appeal from dismissal  
**Classification:** Youth Correctional Officer  
**Department:** Department of the Youth Authority  
  
Proposed decision rejected April 4, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles.  
Pending oral argument September 5-6, 2006, Sacramento.  
**NO ACTION**
- (5) **LEE KENDRICK, CASE NO. 04-1620PA**  
Appeal from dismissal  
**Classification:** Transportation Surveyor  
**Department:** Department of Transportation  
  
Petition for Rehearing granted April 4, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles  
**NO ACTION**
- (6) **CHAD LOOK, CASE NO. 04-1789APB**  
Appeal for back pay  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Transcript prepared.  
**NO ACTION**

July 25, 2006

- (7) **TIFFANY MIRANDA, CASE NO. 05-4330A**  
Appeal from dismissal  
**Classification:** Custodian Supervisor II  
**Department:** Department of Corrections and Rehabilitation  
  
Proposed decision rejected June 21, 2006.  
Transcript prepared.  
**NO ACTION**
- (8) **JONATHAN SILVERMAN, CASE NO. 05-0078A**  
Appeal from dismissal  
**Classification:** Workers' Compensation Payroll Auditor  
**Department:** State Compensation Insurance Fund  
  
Proposed decision rejected May 23, 2006.  
Pending oral argument September 5-6, 2006, Sacramento.  
**NO ACTION**
- (9) **RAYMOND SLEDGE, CASE NO. 04-2809PA**  
Appeal from dismissal  
**Classification:** Youth Correctional Counselor  
**Department:** Department of the Youth Authority  
  
Petition for Rehearing granted March 8, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles.  
**NO ACTION**
- (10) **JAMES STEED, CASE NO. 05-0207PA**  
Appeal from constructive medical suspension  
**Classification:** Facility Captain  
**Department:** Department of Corrections and Rehabilitation  
  
Petition for Rehearing granted March 8, 2006.  
Pending oral argument August 8-9, 2006, Los Angeles.  
Pending oral argument October 10-11, 2006, Sacramento.  
**NO ACTION**

## 16. NON-EVIDENTIARY CASES

### A. WITHHOLD APPEALS

Cases were heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board was presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

### WITHHOLD FROM CERTIFICATION CASES HEARD BY A STAFF HEARING OFFICER

NONE

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On July 25, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- (1) UZODINMA AGUBATA, CASE NO. 05-2288**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; firearms prohibition.  
**ACTION: DENIED**
- (2) FREDERICK BERRYMAN, CASE NO. 05-2147**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; pending criminal prosecution.  
**ACTION: DENIED**
- (3) MICHAEL BRACKEN, CASE NO. 05-2479**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; had a negative employment record and failed to meet legal obligations.  
**ACTION: DENIED**
- (4) ROBERT CASTILLO, CASE NO. 05-2259**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**
- (5) PAUL CUNNINGHAM, CASE NO. 05-2402**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative employment record.  
**ACTION: DENIED**
- (6) RENILLO GULLEM, CASE NO. 05-1963**  
**Classification:** Medical Technical Assistant-Psychiatric  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; active arrest warrant.  
**ACTION: DENIED**

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- (7) **BILLY HARRISON, CASE NO. 05-2319**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (8) **VERNON JACKSON, CASE NO. 05-2624**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; negative employment record and failure to meet compliance obligations.  
**ACTION: DENIED**
- (9) **JENNAI KEARNEY, CASE NO. 05-2594**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information.  
**ACTION: DENIED**
- (10) **ADAM LOPEZ, CASE NO. 05-2443**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had a negative driving record.  
**ACTION: DENIED**
- (11) **SENDY LOPEZ, CASE NO. 05-2459**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**
- (12) **JIZETTE NAHAPETIAN, CASE NO. 05-2326**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, had a negative driving and arrest record, and failed to meet legal obligations.  
**ACTION: DENIED**
- (13) **MARGARET PRICE, CASE NO. 05-2315**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; furnished inaccurate information, had negative law enforcement contacts and non-compliance issues.  
**ACTION: DENIED**



- (14) **EDWARD QUIROZ, CASE NO. 05-2871**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**
- (15) **MARC RIOS, CASE NO. 05-2269**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had a negative driving and employment record.  
**ACTION: DENIED**
- (16) **JEANINE TAYLOR, CASE NO. 05-2674**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative military record.  
**ACTION: DENIED**
- (17) **CHE WHITESIDE, CASE NO. 05-2296**  
**Classification:** Youth Correctional Counselor  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, had a negative employment record and financial issues.  
**ACTION: DENIED**
- (18) **MEGAN WHITLEY, CASE NO. 05-2512**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; a negative employment record.  
**ACTION: DENIED**
- (19) **NATHANIEL WRIGHT, CASE NO. 05-2295**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information and had a negative employment, military and law enforcement record.  
**ACTION: DENIED**
- (20) **FRANCISCO ZUNIGA, CASE NO. 05-2675**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and had negative law enforcement contacts.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases were heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional. The Board was presented recommendations by a Hearing Panel on each appeal.

On July 25, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

**(1) MARCIA KUMMER, CASE NO. 05-2325**

**Classification:** Correctional Officer

**Department:** Department of Correction and Rehabilitation

**Issue:** The appellant does not meet the general requirements deemed essential for a Correctional Officer.

**ACTION: DENIED**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

NONE

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

NONE

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff. The Board was presented recommendations by Appeals Division staff for final decision on each request.

On July 25, 2006, the Board adopted as indicated below the following items presented by Laura M. Aguilera, Assistant Executive Officer, State Personnel Board.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

- (1) **MARK ENDSLEY, CASE NO. 05-4450**  
**Classification:** Patient at Patton State Hospital  
**Department:** Department of Mental Health  
**Issue:** The charging party requests to file charges against employees of the Department of Mental Health  
**ACTION: DENIED**
  
- (2) **ALEX HERNANDEZ, CASE NO. 05-3832**  
**Classification:** Analyst  
**Department:** Employment Development Department  
**Issue:** The charging party requests to file charges against an employee of the Employment Development Department  
**ACTION: DENIED**
  
- (3) **STEVEN M. KAMP, CASE NO. 06-0115**  
**Classification:** Tax Counsel III  
**Department:** Board of Equalization  
**Issue:** The charging party requests to file charges against employees of the Board of Equalization.  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

- (4) **ANTHONY HARDIN, CASE NO. 05-0781P**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections and Rehabilitation  
**Issue:** Whether SPB erred in determining appellant psychologically disqualified for the position of Correctional Officer  
**ACTION: DENIED**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. ALEJANDRO GILL, CASE NO. 05-0054RA**

Appeal for dismissal. Correctional Officer. Department of Corrections and Rehabilitation. (Oral argument held May 2, 2006.)

**ACTION:** The Board (Harrigan, Clarey, and Sheehan) issued a non-precedential decision revoking appellant's dismissal from the position of Correctional Officer with the Department of Corrections and Rehabilitation

**7. JUDY JOHNSON, CASE NO. 05-1367A**

Appeal from automatic resignation. Motor Vehicle Field Representative. Department of Motor Vehicles. (Oral argument, Written Record submitted May 2, 2006.)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.

**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

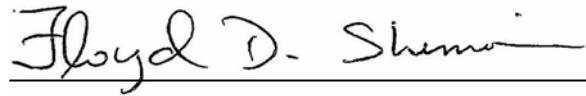
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting held on July 25, 2006.

VOTE: Elkins, Harrigan, Sheehan, Clarey – Aye

A handwritten signature in cursive script, reading "Floyd D. Shimomura", written over a horizontal line.

Floyd Shimomura  
Executive Officer  
California State Personnel Board